## HOUSE . . . . . . . . . . . . . . . No. 4873 [LOCAL APPROVAL RECEIVED.]

## The Commonwealth of Massachusetts

PRESENTED BY:

## Sarah K. Peake, Robert A. O'Leary

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to an intermunicipal agreement between the towns of Provincetown and Truro.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sarah K. Peake	4th Barnstable
Robert A. O'Leary	Cape and Islands

## The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act relative to an intermunicipal agreement between the towns of Provincetown and Truro.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- Section 1. Notwithstanding the provisions of any general or special law, or the charter of the
- town of Provincetown to the contrary, whenever there exists an intermunicipal agreement
- 3 between the town of Provincetown and the town of Truro for the provision of water to the
- 4 residents of Truro, the following provisions shall be applicable, but not otherwise.
- 5 Section 2. When the Provincetown water and sewer board is exercising the powers of a water
- 6 board, one such member shall, at the discretion of the Provincetown board of selectmen, be
- 7 designated by said board as an alternate member, and three additional members shall be
- 8 appointed by the Truro board of selectmen who shall be registered voters of the Town of Truro,
- 9 for a total of seven members and one alternate member.
- 10 Section 3. The three members appointed by the board of selectmen of the town of Truro shall
- serve for terms of three years, however, initially one such member shall be appointed for a
- three-year term, one for a two-year term, and one for a one year term.
- 13 Section 4. Except as otherwise provided in this act, the provisions of chapter 3 and section 10-2
- of the Provincetown town charter shall be applicable to the appointment, service, and removal of
- the members appointed by the Truro board of selectmen. With regard to provision of notice of
- appointment, filling of vacancies, and removals of members appointed by the Truro board of
- 17 Selectmen in accordance with section 2 of this act, references in the town charter to the
- 18 "appointing authority" shall be applicable to the Truro board of selectmen.
- 19 Section 5. Notice of appointment of a member appointed by the Truro board of selectmen under
- 20 section 2 of this act shall be filed with the town clerk of the town of Provincetown. Any such
- 21 member shall, before entering upon the member's official duties, be sworn to the faithful
- 22 performance thereof by either the town clerk or the moderator of the town of Provincetown. For

- purposes of G.L. c.41, §109, the resignation of such a member shall be filed with the town clerk
- of the town of Provincetown, at which time such resignation shall become effective, or at such
- later time as may be specified in such resignation. The town clerk of the town of Provincetown
- shall forthwith provide notice of the same to the town clerk of the Town of Truro.
- 27 Section 6. When the Provincetown water and sewer board is exercising the powers of a water
- board, and appointments have been made by the Truro board of selectmen in accordance with
- section 2 of this act, a quorum of the water and sewer board shall be four members
- 30 Section 7. For purposes of the Conflict of Interest Law, G.L. c.268A, the members of the water
- and sewer board appointed by the Provincetown board of selectmen pursuant to section 2 of
- 32 this act shall be considered special municipal employees of the towns of Provincetown and
- 33 Truro.
- 34 Section 8. Upon the expiration or termination of an intermunicipal agreement between the towns
- of Provincetown and Truro contemplated under section 1 of this act, the terms of the three
- members of the water and sewer board appointed by the Truro board of selectmen pursuant to
- 37 section 2 of this act shall immediately terminate.
- 38 Section 9. This act shall take effect upon passage.